

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF

MICHAEL P. BYRNE, M.D.,

Applicant

ORDER GRANTING PETITION

On February 26, 1991, Dr. Byrne filed his application for a license and for a temporary educational permit to practice medicine and surgery in the State of Wisconsin. Dr. Byrne indicated on his application that on November 11, 1982, he was sentenced to three years in prison for importing marijuana into the United States aboard a yacht captained by him. Based on that disclosure, and upon other information provided by Dr. Byrne, the board denied Dr. Byrne's application by its Order dated June 6, 1991. Following a suit brought by Dr. Byrne in Dane County Circuit Court, the board permitted Dr. Byrne to sit for the FLEX examination, and granted a temporary educational permit to complete a family practice residency program at Waukesha Memorial Hospital, Waukesha, Wisconsin.

By letter dated April 13, 1992, Dr. Byrne requested an appearance before the board in support of his application for a license. He appeared on May 21, 1992, and the board considered the matter on that date. The board and Dr. Byrne thereafter entered into a Stipulation by which the board agreed to issue and Dr. Byrne agreed to accept a limited license to practice medicine and surgery in Wisconsin. Among the limitations on the license was that Dr. Byrne was prohibited from applying for or holding a DEA registration.

By letter dated November 5, 1992, Dr. Byrne petitioned the board to permit him to hold a DEA registration in order to permit him to be accepted into the third year of his family practice residency program at the Medical College of Wisconsin. The petition was supported by Richard B. Lewan, M.D., Program Director. The board considered the request at its meeting of December 16, 1992.

Based upon the petition, and all other information of record herein, the board orders as follows:

NOW, THEREFORE, IT IS ORDERED that the terms and conditions on the limited license granted to Michael P. Byrne, M.D., on May 28, 1992, are hereby modified to read as follows (modifications italicized):

1. The term of the license shall be for one year, effective July 1, 1992. Dr. Byrne shall appear before the board three months from the effective date of the license.

2. Prior to Dr. Byrne's next appearance before the board, he shall undergo a psychiatric and psychological evaluation to be conducted by Steven B. Hansen, M.D., of the Milwaukee Psychiatric Hospital, Milwaukee, Wisconsin. Dr. Byrne shall be responsible for submission to the board within two months of the effective date of the license of a complete report prepared by Dr. Hansen setting forth the results of the evaluation performed.

3. Dr. Byrne's practice shall be restricted exclusively to participation in the Medical College of Wisconsin Waukesha Family Practice Residency Program.

4. *Should Dr. Byrne be accepted as a third year resident in the Waukesha Family Practice Residency Program at Waukesha Memorial Hospital, he may apply for and hold a DEA registration for the duration of his participation in the program. In the event Dr. Byrne is released from the program prior to completion, he shall immediately surrender the registration. Should Dr. Byrne complete the family practice residency program, he shall surrender the registration unless the board grants his petition to permit him to continue his registration.*

5. Dr. Byrne shall appear before the board at the end of one year in support of any petition for renewal of the license.

6. Violation of the terms and conditions of this Order shall constitute grounds for revocation of the limited license.

Dated this 22nd day of December, 1992.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by B. Ann Neviase
B. Ann Neviase
Secretary